

ASSEMBLY BILL

No. 2823

Introduced by Assembly Member Ruskin

February 24, 2006

An act to amend Section 42421 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2823, as introduced, Ruskin. Air pollution: district compliance programs.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law permits a district to establish by regulation a permit system, as provided. Existing law also requires each district with a population of one million or more to establish a compliance program consisting of specified elements. Existing law generally provides that a violation of any rule, regulation, or law relating to air pollution is a crime.

This bill would require a district that has a population of one million or more, for any notice of violation when the violation contributes to, or potentially conceals, an emission that contributes to unhealthy air quality, to post a copy of the notice of violation on the district's Internet Web site, and provide a copy of the notice of violation to specified persons within 1,000 feet of the facility for which notice of the violation was issued. The bill would require any person found to

have committed a violation to reimburse the district for the actual cost to the district of providing notice of the violation, in addition to any administrative, civil, or criminal penalties that are imposed relating to the same violation.

Because this bill would create new crimes by requiring a violator to pay for specified costs, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42421 of the Health and Safety Code is
2 amended to read:

3 42421. Each district ~~which~~ *that* has a population of one
4 million or more shall *do both of the following:* ~~establish~~

5 (a) *Establish* a compliance program that shall consist of all of
6 the following elements:

7 (a)

8 (1) Procedures to ensure the consistent issuance of notices of
9 compliance and notices of violations.

10 (b)

11 (2) A compliance assistance program to provide information to
12 small businesses with regard to statutes and district rules and
13 regulations to which they are subject and to assist them in
14 identifying the most efficient and least costly means of
15 complying with those statutes and rules and regulations.

16 (c)

17 (3) Settlement agreement procedures whereby persons who are
18 in violation of those statutes or district rules or regulations may
19 agree to take actions to improve air quality in lieu of paying
20 monetary fines or penalties.

21 (b) (1) *For any notice of violation when the violation*
22 *contributes to, or potentially conceals, an emission that*

1 *contributes to unhealthy air quality, the district shall do all of the*
2 *following:*

3 *(A) Post a copy of the notice of violation on the district's*
4 *Internet Web site.*

5 *(B) Provide a copy of the notice of violation to all of the*
6 *following:*

7 *(i) The city, county, or city and county, whichever is*
8 *applicable, where the violation occurred.*

9 *(ii) Each resident living within 1,000 feet of the facility for*
10 *which the notice of violation was issued.*

11 *(iii) Each school, hospital, daycare center, senior center, or*
12 *home located within 1,000 feet of the facility for which the notice*
13 *of violation was issued.*

14 *(iv) Any other person or entity located within 1,000 feet of the*
15 *facility for which the notice of violation was issued that, in the*
16 *judgment of the district, should be notified.*

17 *(2) In addition to any administrative, civil, or criminal*
18 *penalties that are imposed relating to the same violation, the*
19 *district shall require any person found to have committed a*
20 *violation described in this subdivision to reimburse the district*
21 *for the actual cost to the district of complying with paragraph*
22 *(1).*

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the
28 penalty for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition of a
30 crime within the meaning of Section 6 of Article XIII B of the
31 California Constitution.